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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,976	01/29/2004	Peng Chang	SAR-14948	4351
58882 7590 03/05/2009 PATENT DOCKET ADMINISTRATOR LOWENSTEIN SANDLER P.C. 65 LIVINGSTON AVENUE ROSELAND, NJ 07068				
			EXAMINER LE, BRIAN Q	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 03/05/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10766976	1/29/04	CHANG ET AL.	SAR-14948

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ART UNIT	PAPER
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2624

20090227

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Commissioner for Patents

The Amendment and Response filed 02/10/2009 by the Appellant is considered. However, it is denied because of the following:

1. The amendments to the claims do not overcome the 35 U.S.C. 101 rejections advanced in the Examiner's Answer because 1) the step of using an "image device" to capture imagery of a scene is associated with insignificant pre-processing, and does not serve to tie the process to a particular machine, and 2) the "depth map generator" is not claimed to include any particular structural/hardware element, and may be implemented in terms of software alone, and thus does not serve to tie the process to a particular machine. Further, the process does not recite a qualifying data "transformation" because there is no output, or "depiction" of modified data commensurate with In re Abele as describe by the In re Bilski court.
2. The amendments adds additional limitations such as "each pixel in the depth map has associated 3D position data" and "based on said 3D position data", which are not related to the overcoming of the 35 U.S.C. 101's rejection and which were not the subject of the original Appeal.

/Brian P. Werner/
Supervisory Patent Examiner, Art Unit 2624